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Because of the close similarity between the two classes of cases, the rules governing actions for infringement of trademarks, although in great confusion, are applied to cases of unfair competition. *Fairbank Co. v. Windsor*, 118 Fed. 96. The English rule allows the plaintiff to elect between the damages he has sustained and the defendant's profits. *Lever v. Goodwin*, 36 Ch. D. 1. The early rule in this country gave the plaintiff such profits as he would have made. *Hostetter v. Vowinkle*, 1 Dill. (U. S.) 329. But later decisions give him the profits realized by the defendant. *Singer Mfg. Co. v. June Mfg. Co.*, 163 U. S. 169. And in some cases damages are added. *Hennessey v. Wilmerding-Loewe Co.*, 103 Fed. 90. Other courts have given the difference between the plaintiff's cost-price and the defendant's selling-price. *Champlin v. Stoddard*, 34 Hun (N. Y.) 109. The rule adopted in the principal case seems just. The defendant has diverted certain of the plaintiff's potential sales, which should be credited to the plaintiff *in toto*, since no equitable method of division is possible. And the plaintiff should recover what he would have made on such sales, rather than what the defendant has made; for he should neither profit by the defendant's economies of production nor suffer for the defendant's disadvantages.

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## BOOK REVIEWS.

**THE LAWS OF ENGLAND.** By the Right Honorable the Earl of Halsbury and other lawyers. London: Butterworth and Company; Philadelphia: Cro-marty Law Book Company.

Vol. V. Companies. pp. ccvi, 769, 50.

Vol. XI. Descent to Ecclesiastical Law. pp. clxxix, 829, 81.

Vol. XII. Education to Electric Lighting and Power. pp. cxxii, 648, 48.

Volume V is devoted entirely to company law, and forms a treatise of seven hundred and sixty-eight pages on that subject. After a general consideration of the nature and domicile of companies, the work considers briefly the history of company legislation; then follows an elaborate treatise on the Companies Act of 1908. Special companies, like banking, insurance, and public-service companies, are considered; as well as chartered companies, the livery companies of the city of London, quasi-corporations, and illegal companies; and a few pages are devoted to foreign companies. The table of cases cited must contain at least five thousand cases. The importance of this treatise is at once apparent; and to the commercial lawyer in our Eastern cities it will be exceedingly useful.

Volume XI contains a short article on Descent and Distribution; a discussion of Discovery, Inspection, and Interrogatories, under the English practice; an elaborate article on Distress; an article on Easements and Profits, which is the most interesting in the volume to an American lawyer; and an elaborate disquisition on Ecclesiastical law.

In Volume XII the articles on Education and Elections have comparatively little value for our bar; but the hundred pages devoted to Electric Lighting and Power are useful.

The quality of these articles seems to be maintained at a high level, and the work should be in every law library, public or private, which aims to contain more than the mere necessary tools of trade.

J. H. B.

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**DAY IN COURT.** By Francis L. Wellman. New York: The Macmillan Company. 1910. pp. 257.

In his prefatory note Mr. Wellman says of the *Day in Court*: "This is in no sense a law book. . . . The purpose of this book, therefore, is to give to the